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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 EAGLE HARBOR HOLDINGS, LLC,
9 and MEDIUSTECH, LLC,

10 Plaintiffs,

11 v.

12 FORD MOTOR COMPANY,

13 Defendant.

CASE NO. C11-5503 BHS

ORDER DENYING
DEFENDANT'S MOTION
FOR FURTHER CLAIM
CONSTRUCTION

14 This matter comes before the Court on Defendant Ford Motor Company's
15 ("Ford") motion for further claim construction (Dkt. 202). The Court has considered the
16 pleadings filed in support of and in opposition to the motion and the remainder of the file
17 and hereby denies the motion for the reasons stated herein.

18 **I. PROCEDURAL HISTORY**

19 On June 30, 2011, Plaintiffs Eagle Harbor Holdings, LLC and Mediustech, LLC
20 (collectively "Medius") filed a complaint for patent infringement against Ford. Dkt. 1.
21 On October 20, 2011, Medius filed an Amended Complaint asserting U.S. Patents Nos.
22

1 6,615,137, 6,629,033, 6,778,073, 7,146,260, 7,778,739 (“‘739 Patent”), 7,793,136,
2 8,006,117, 8,006,118, 8,006,119, 8,020,028, and 8,027,268 (the “Patents in Suit”). Dkt.
3 33.

4 On March 18, 2013, the Court appointed Lawrence Graham as a Special Master to
5 assist the Court with the issues of claim construction. Dkt. 140. On June 14, 2013 and
6 July 11, 2013, the Special Master held claim construction hearings. Dkts. 160 & 164.
7 On July 29, 2013, the Special Master filed his order regarding claim constructions of
8 terms of the Patents in Suit. Dkt. 165. On November 13, 2013, the Court adopted the
9 Special Master’s proposed claim constructions. Dkt. 184.

10 With regard to the disputed term “multiprocessor system,” the Court stated that
11 there was a possibility that additional, stand-alone instances of the term may require
12 further constructions. *Id.* at 10–11. The Court allowed Ford an opportunity to submit a
13 brief requesting further construction of such terms. *Id.* On December 24, 2013, Ford
14 submitted a motion requesting further construction of a number of instances of the term
15 “multiprocessor system” or “multiprocessor network.” Dkt. 202 (brief); *id.*, Exh. A
16 (terms). On January 13, 2014, Meduis responded. Dkt. 209. On January, 17, 2014, Ford
17 replied. Dkt. 211.

18 **II. DISCUSSION**

19 The meaning of language used in a patent claim is construed as a matter of law.
20 *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 979 (Fed. Cir. 1995) (en banc),
21 *aff’d*, 517 U.S. 370 (1996). It is a “bedrock principle” of patent law that the claims of a
22 patent define the invention to which the patentee is entitled the right to exclude. *Phillips*

1 *v. AWH Corp.*, 415 F.3d 1303, 1312 (Fed. Cir. 2005) (quoting *Innova/Pure Water, Inc. v.*
 2 *Safari Water Filtration Sys., Inc.*, 381 F.3d 1111 (Fed. Cir. 2004)).

3 With regard to instances where a disputed term appears in both the preamble and
 4 the body of a claim, the Federal Circuit may have established a rule of law that cannot be
 5 logically applied to the Patents in Suit. In *Catalina Mktg. Int'l, Inc. v. Coolsavings.com,*
 6 *Inc.*, 289 F.3d 801 (Fed. Cir. 2002), the Federal Circuit stated that “dependence on a
 7 particular disputed preamble phrase for antecedent basis *may* limit claim scope because it
 8 indicates a reliance on both the preamble and claim body to define the claimed
 9 invention.” *Id.* at 809 (emphasis added) (citing *Bell Communications Research, Inc. v.*
 10 *Vitalink Communications Corp.*, 55 F.3d 615, 620 (Fed. Cir. 1995)). The *Catalina* court
 11 then made the more affirmative statement that “the applicants specifically included [the
 12 disputed phrase] in the claim not once, but twice. By virtue of its inclusion in the body of
 13 Claim 25, this phrase limits Claim 25.” *Catalina*, 289 F.3d at 811. It is unclear whether
 14 this later statement is a rule of law or simply an application of the law to the subject
 15 patents in that case. *See, e.g., Poweroasis, Inc. v. T-Mobile USA, Inc.*, 2006 WL 753206
 16 (D.N.H. March 22, 2006) (“Patentees may give an invention a name in the preamble and
 17 repeat that name in the body of the claim without thereby imbuing the invention with
 18 additional limitations. The real issue is whether the name used in the preamble gives
 19 independent meaning to the claims.”).

20 In this case, the Court acknowledged “that case law supports the proposition that
 21 duplicative use of a preamble term or phrase in the body of a claim specifically limits the
 22 scope of that claim” Dkt. 184 at 10. While the implications of *Catalina* may be

1 unclear, the application of *Catalina* as a rule of law to the Patents in Suit is unworkable
2 because it is clear that the inventors used the duplicative terms to reference the system as
3 a whole and not to provide additional limitations for the antecedent system. For example,
4 claim 16 of the ‘739 Patent provides as follows: “The system of claim 15 wherein the
5 user interface initiates control operations carried out by one or more of the on-board
6 processors in the multiprocessor network.” Dkt. 202, Exh. A at 3. A person of ordinary
7 skill in the art would read this claim to describe a particular operation completed by one
8 or more processors within “the multiprocessor network.” Construing “multiprocessor
9 network” to provide further limitations, especially Ford’s proposed limitations,¹ in the
10 claim is illogical and contrary to the invention as a whole. Therefore, the Court denies
11 Ford’s motion to further limit the “multiprocessor” terms of the Patents in Suit.

III. ORDER

13 Therefore, it is hereby **ORDERED** that Ford's motion for further claim
14 construction (Dkt. 202) is **DENIED**.

Dated this 4th day of February, 2014.



BENJAMIN H. SETTLE
United States District Judge

¹ The claim would provide “The system of claim 15 wherein the user interface initiates control operations carried out by one or more of the on-board processors in the two or more processors that run a dynamic configuration system to control the execution of applications across the processors.” Such a construction is confusing and, most importantly, is not supported by the specification.